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In Memory of Rabbi Abraham Leibtag
Shiurim in Chumash & Navi by Menachem Leibtag

PARSHAT KI-TETZEH - shiur #1

Mitzvot, and more mitzvot; and all kinds of mitzvot - that would certainly sum up Parshat Ki-Tetzeh. Yet, it's not clear why we find such a wide assortment and random progression of laws specifically at this point in Sefer Devarim?

In this week's shiur, we attempt to explain why - by exploring an intriguing parallel to the Ten Commandments, while considering (once again) the overall theme of the 'main speech' of Sefer Devarim.

INTRODUCTION

As Parshat Ki-Tetzeh is located towards the end of the main speech of Sefer Devarim, we begin our study with a quick review of the overall structure of that speech in order to appreciate its location:

- * MOSHE'S INTRODUCTORY REMARKS (5:1-6:3) Explaining when these mitzvot were originally given (i.e. at Ma'amad Har Sinai) and why Bnei Yisrael heard them from Moshe (and not directly from God).
* THE 'MITZVA' SECTION (chapters 6 - 11) Mitzvot relating primarily to 'ahavat Hashem':- the proper attitude towards God and the underlying obligation to observe His mitzvot and not to follow other gods.
* THE 'CHUKIM & MISHPATIM' SECTION (chapters 12-26) A wide assortment of commandments pertaining to the establishment of an 'am kadosh' [a holy nation], its institutions, and various laws pertaining to daily life in the Land of Israel.

Therefore, Parshat Ki-Tetzeh (chapters 21 thru 25) forms an integral part of the chukim & mishpatim section, and continues the laws found in Re'eh (chapters 12 thru 16) and Shoftim (chapters 17 thru 20).

Nonetheless, the laws in Ki-Tetzeh appear to be quite different. Recall how the mitzvot in Re'eh focused on the establishment of national institutions such as the national center - 'ha-makom asher yivchar Hashem', and 'shmitta' economic system, and the national pilgrimage holidays, etc. Similarly, Parshat Shoftim discussed the institutions of national leadership such as the judges, the supreme court, the king, the 'navi', etc, cities of refuge and laws governing the army and war.

In contrast, the focus of Parshat Ki-Tetzeh seems to shift from mitzvot related to the nation as a whole to mitzvot directed towards the individual. As you scan through the Sedra, note how virtually all of its mitzvot, despite their variety, all relate in one manner or other to the behavior of the individual within the framework of the society, and most all of them fall within the category of 'bein adam le-chavero'.

A LOGICAL PROGRESSION

One could suggest a very logical reason for this order of presentation. Considering that the purpose of these mitzvot in the main speech is Bnei Yisrael's creation of an am kadosh in the land which they prepare to conquer (see 6:1, 14:1-2 & 26:16-19), the speech must first and foremost address the establishment of the national institutions. Once this national framework is achieved (e.g. a judicial system, an organized system of educators and national leaders, a national center, etc.), a more suitable environment will exist to facilitate and encourage the fulfillment of the numerous mitzvot bein adam le-chavero that relate to the daily life of each individual. Without an organized court system and a functioning political entity, it would be quite difficult to establish a society characterized by 'tzedeq u-mishpat'.

Although this reasoning line adequately explains the overall structure of this unit (i.e. the progression from Parshat Shoftim to Parshat Ki-Tetzeh), it does not account for the internal sequence within this Parsha. To explain this arrangement, our shiur will follow the approach of Rav David Tzvi Hoffman, who demonstrates that the mitzvot of the main speech in Sefer Devarim follow the order of the aseret ha-dibrot [the Ten Commandments].

THE PARALLEL TO THE DIBROT

To properly identify and appreciate this parallel, we must first draw a distinction between the first two commandments and the remaining eight.

Recall that the first two dibrot deal primarily with the concept of 'emuna', fundamental belief in God, and the consequent prohibition against worshipping other so-called deities. As such, these two dibrot form the very foundation of our relationship with God. The remaining eight commandments involve concrete, practical mitzvot, through which this fundamental principle is implemented and manifest in daily life.

[Recall as well that the first two dibrot are recorded in first person, while the remaining eight are in third person. See Ramban's explanation for this in his commentary on Shmot 20:4 (i.e. the reason for the switch from first to third person in the third dibbur).]

Corresponding to this division within the dibrot, the mitzvot of the main speech of Sefer Devarim also divide into two very distinct categories:

- 1) The mitzva section, dealing primarily with the issue of emuna, and hence parallel to the first two dibrot
2) The chukim & mishpatim section, the practical mitzvot and hence, parallel to the remaining eight dibrot

Taking this parallel one step further, one may suggest that the dibrot also provide the general framework for all the mitzvot in the main speech of Sefer Devarim, and hence its mitzvot progress in topical order, similar and corresponding to the sequence of the Ten Commandments. In this sense, each group of mitzvot in Sefer Devarim could be understand as an 'expansion' upon the underlying principle of each dibbur.

[To borrow an analogy from Hilchot Shabbat, the dibrot serve as 'avot' (primary categories), while the mitzvot in the main speech may be considered 'toladot' (secondary categories).]

The rationale for this parallel is clear. The mitzvot of the main speech are the laws to be observed upon entering the Land (see 6:1). Thus, these laws apply the abstract principles established in the dibrot to the realities of life in the Land of Israel - conquering, occupying, settling and establishing a nation.

Let's use a table to show how our analysis works:

Table with 2 columns: CHAPTERS DIBROT and TOPIC IN THE MAIN SPEECH. Rows include sections like [THE 'MITZVA' SECTION], [THE 'CHUKIM U-MISHPATIM' SECTION], and specific mitzvot like 'Ahavat Hashem', 'Not worshipping 'avoda zara', 'Establishing God's Name in the mikdash', etc.

[Before analyzing this structure in detail, a word of clarification is in order. The fact that the dibrot create the **framework** for the entire speech does not mean that there can be no digression whatsoever from this general arrangement. The dibrot merely establish a general pattern; this does not constrain the internal structure of the individual parshiot. We may (and should) find isolated exceptions to this structure, but they in no way undermine or violate the general pattern.]

Let's take a few minutes to explain the parallels cited in the table above.

THE 'MITZVA' SECTION AND THE FIRST TWO DIBROT

As we explained in detail in our shiur on Parshat Va-etchanan, the **mitzva** section of the main speech contains primarily mitzvot relating to ahavat Hashem as well as numerous warnings against avoda zara (worshipping other gods). These mitzvot of the **mitzva** section simply apply the principles of the first two dibrot to the realities of conquering and settling the Land.

For example, to ensure God's assistance and continued 'Hashgacha' (providence) throughout the conquest, Bnei Yisrael must maintain the proper religious outlook and exhibit general belief in, and devotion to, God ('Anochi...'). They must also be careful not to fall into the trap of 'over-confidence' or fall prey to the influences of the decadent Canaanite culture ('Lo Yihiyeh...').

[Scan chapters 6-11 to verify this point. Pay particular attention to 11:22-23.]

THE 'CHUKIM & MISHPATIM' SECTION

Likewise, the mitzvot in the 'chukim u-mishpatim' section apply the underlying principles of the remaining dibrot to the realities of forming a nation in the Promised Land.

We will now explain how each general topic in this section relates to its corresponding dibbur:

LO TISA (chapters 12-14)

As we explained in our shiur on Parshat Re'eh, the primary topic of these chapters is '**ha-makom asher yivchar Hashem leshaken *shmo* sham**'. In order to make God's Name great (both to ourselves and to other nations), Bnei Yisrael must build a bet mikdash, frequent that site, and gather there on the national holidays.

This commandment relates to the third dibbur - not to utter God's Name in vain. Just as it is forbidden to defile His Name through irreverent and inappropriate misuse, so is it imperative that we **proclaim** His Name in the **proper** manner. The primary vehicle designated by the Torah to accomplish this goal is the bet mikdash - 'ba-makom asher yivchar... leshaken **shmo** sham' (see Melachim I 8:15-21,41-43!).

At this site the levi'im sing and praise God (see 10:8, 21:5), proclaiming and sanctifying His Name. Ideally, Am Yisrael's service of God at the bet mikdash would lead all mankind towards the recognition of His Name (see Isaiah 2:1-4, Melachim I 8:41-42).

[To confirm this point, simply read the second paragraph of the 'Aleinu leshabeiach' prayer, the section of 'al ken nekaveh...' (in case you never paid attention to the words before).]

[The 'digressions' from this theme in Parshat Re'eh, i.e. the warnings against those who encourage idolatry (chapter 13) and the dietary laws (14:3-21), may also relate to this general theme. The worship of other gods by definition detracts from God's Name and honor, and the dietary laws involve the general obligation to be an am kadosh (14:2,21). In our shiur on Parshat Kedoshim, we connected this topic to the mishkan, as well.]

SHABBAT [Devarim chapters 15-16]

In the second half of Parshat Re'eh, we find two types of toladat or derivations of Shabbat. First, there appears the law of shmitta, which follows a **seven** year cycle, similar to the seven-day cycle of

Shabbat. These laws require that we **rest** from working the land on the **seventh** year. In fact, we can even consider the laws of 'ma'aser sheni' & 'ma'aser ani' - which are functions of this seven year shmitta cycle - as the beginning of this section and a suitable 'transition' from the topic of 'ha-makom asher yivchar Hashem' (note 14:22-23).

The second 'tolada' is the 'shalosh regalim' - the three pilgrimage holidays described in chapter 16. Their most basic and obvious resemblance to Shabbat is the prohibition of work (note Vayikra 23:1-3). Furthermore, the number **seven** emerges as the prominent number in the context of these holidays. For example, on chag ha-matzot we celebrate **seven** days (16:3, note also 16:8! - cute?) and then we count **seven** weeks until Shavuot (16:9). On Sukkot, we once again celebrate for **seven** days (16:13).

[In fact, these holidays are actually referred to as shabbatot in Parshat Emor! The laws of 'bechor' which precede this section (15:19-23), clearly connect to the discussion that immediately follows, the laws of Pesach (see Shmot 13:1-2,11).]

"KABED ET AVICHA..." - HONORING PARENTS (16:18 -18:22)

The concept of respecting authority at the family level can easily be expanded to the national level as well, thus requiring us to honor our national leaders. Therefore, the next general topic - the national institutions of leadership: the shofet, kohen, levi, navi, and melech - can be understood as a tolada of 'kibbud horim'. This section includes the laws regarding proper and effective leadership - judges, officers, priests, the king, and nevi'im - as well as laws pertaining to leaders who must be eliminated: those who lead others to idol worship (17:2-7), false prophets (18:20-22), and dissenters who disobey and snub the authority figures (see 17:12).

LO TIRTZACH [chapters 19-21]

The toladat of 'lo tirtzach' are the most obviously identifiable, as almost all the laws in these three chapters expand upon (or apply) this **dibbur**. For example:

- * Cities of Refuge - 'arei miklat' (19:1-10);
- * How to conduct war (20:1-20);
- * 'Egla arufa' (21:1-9) - an entire city takes responsibility for a homicide perpetrated in its vicinity;
- * Yefat to'ar (21:10-15) - laws relating to prisoners of war;
- * Ben sorer u-moreh (21:18-21) - the obligation to kill a rebellious son;
- * Hanging the body of a criminal executed by bet-din (21:22-23);
- * The mitzva of 'me'akeh le-gagecha' - putting a fence on one's roof to prevent accidental death (22:8-9), etc.

[Many laws presented in this section digress from the specific context of murder and related issues. However, even those digressions relate in one form or other to mitzvot bein adam le-chavero.]

LO TIN'AF [22:10-23:19]

This section includes various laws relating to forbidden sexual relationships. For example:

- * 'Motzi shem ra' (22:13-21);
- * The classic 'affair' (22:22);
- * The various instances of 'na'ara ha-me'orasa' (22:23-29);
- * Forbidden marriages (23:1-9) and harlotry (23:18-19).

[Once again, this section contains several other laws, in addition to these derivations of 'lo tin'af'. Many of these digressions are tangentially related to the central theme. The prohibition of 'kill'ayim' (working two animals together) and 'sha'atnez' (weaving two types of thread) [22:10-11] may be perceived as relating to illegal marital relationships. Likewise, the mitzva of tzizit (22:12) could be understood as a prevention of 'lo tin'af', as suggested by Bamidbar 15:39.]

LO TIGNOV (23:20-26)

- * The prohibition against taking interest (23:20-21);
- * Stealing from 'hekdesh' by neglecting one's vow (23:22);
- * Stealing produce from one's neighbor's field (23:25-26).

Various other toladot of 'lo tignov' sneak in at different places throughout Parshat Ki-Tetzeh, mostly as 'digressions' within other sections (see below).

LO TA'ANEH BE-RE'ACHA ED SHAKER (19:15-21)

The situation of 'eidim zomemim' could be considered a toлада of 'lo ta'aneh...'. It is included in the lo tirtzach section as a 'digression' from the laws of capital punishment (19:11-13). Admittedly, this case does not fit 'perfectly' into the overall structure, but is included within the framework of bein adam le-chavero (see below).

LO TACHMOD (chapter 24)

'Lo tachmod' is so general that almost any law can be considered its toлада. Most likely, the laws of divorce (24:1-4) and the prohibition of the divorcee to remarry his remarried wife prevent a 'legal affair' (read 24:4 carefully), and could be considered a toлада of coveting.

Also, throughout the mitzvot in Parshat Ki-Tetzeh we find many references to 're'echa' (as in 've-chol asher le-re'echa' 5:17, such as the laws of eating while walking through one's neighbor's vineyard or field (see 23:25-26). These laws could also be considered toladot of lo tachmod. [Note the word 're'echa' in that commandment.]

VI-X - AN IMPORTANT NOTE

As we noted several times in our analysis, we encounter many exceptions to this general pattern within Parshat Ki-Tetzeh (what we have called 'digressions'). Not all the mitzvot line up perfectly as toladot of each dibbur in exact sequence. Additionally, the various toladot of the last five **dibrot** seem intermingled within these chapters. Nonetheless, almost all the mitzvot in this Parsha are toladot of at least **one** of the last five dibrot.

One could suggest that these final five dibrot actually comprise a single, general category - 'mitzvot bein adam le-chavero'. They all involve conduct and relationships amongst people.

[Significantly, within the 'aseret ha-dibrot' these final five commandments are merged into one pasuk (according to the 'ta'am tachton').]

THE FINALE

The final mitzvot of the **chukim u-mishpatim** section include the mitzva to destroy Amalek (25:17-19) and 'mikra bikkurim' (26:1-15).

One could view the law of destroying Amalek as a toлада of 'lo tirtzach' and the finale of this unit of the last five dibrot. [Why this mitzva was chosen to close this unit will be discussed in a shiur for Parshat Zachor.]

Similarly, the laws of 'mikra bikkurim' in chapter 26 complete the topic of 'ha-makom asher yivchar Hashem' and hence close the entire chukim & mishpatim section which now forms a chiasitic structure. [We will deal with this parsha in next week's shiur.]

SIGNIFICANCE

This parallel may emphasize the point that all of the laws of the Torah originate from Har Sinai. The dibrot, given directly by God, serve as avot - the very basic principles of the covenant between God and Bnei Yisrael. The mitzvot of the main speech serve as toladot, applying these principles to govern our national and individual conduct. This model of 'avot and toladot' teaches us that we must apply the principles of Matan Torah to every aspect of daily life.

Furthermore, this model teaches us that when we apply the principles of the dibrot, we raise them to a higher level. For example, not only is one forbidden to steal, one is also required to return a lost item to its owner. In this manner, the laws of 'hashavat aveda' and the obligation to help even one's neighbor's animal in distress, both toladot of "lo tignov", expand the fundamental precept established by this dibbur to maintain a heightened sensitivity to the property of others, beyond the actual prohibition of stealing.

Expanding the principles of Har Sinai, and applying them to every aspect of our daily life, as exemplified by Sefer Devarim,

facilitates our development into an "am kadosh", thus enabling Am Yisrael to serve as God's model nation .

shabbat shalom,
menachem

FOR FURTHER IYUN

A. As explained in earlier shiurim, Parshat Mishpatim, which was transmitted after Matan Torah at Har Sinai, also features a collection of mitzvot, quite similar to the main speech in Sefer Devarim.

1. Skim through that set of mitzvot (20:19-23:33) and try to find within its structure, as well, a parallel to the dibrot.
2. Can you detect the chiasitic structure towards the end?

B. Aside from Parshat Mishpatim and Sefer Devarim, the only other collection of laws focusing on issues bein adam le-chavero' appears in Parshat Kedoshim. As your review Vayikra chapter 19, see if you can find a parallel to the dibrot.

C. Use the above shiur to explain why Moshe deemed it necessary to repeat the dibrot in chapter 5, as part of his introduction to the main speech.

D. Relate the nature of shabbat in the dibrot as recorded in Parshat Va-etchanan (as opposed to the dibrot in Yitro) to the nature of the laws of shmitta as recorded in Sefer Devarim (chapter 15) and in Parshat Behar. Pay particular attention to the aspect of social equality and justice, etc.